

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LABIB MOHAMMED KAMIL,

Petitioner,

v.

LORETTA LYNCH, et al.,

Respondents.

NO. C16-198-TSZ-JPD

REPORT AND
RECOMMENDATION

Petitioner Labib Mohammed Kamil, who is currently detained by U.S. Immigration and Customs Enforcement at the Northwest Detention Center in Tacoma, Washington, has filed an application to proceed *in forma pauperis* (“IFP”), a proposed petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, and a motion to appoint counsel that is supported by the Office of the Federal Public Defender. *See* Dkts. 1, 1-1, 1-2, 1-3. Petitioner’s IFP application states that he has \$211.00 cash on hand. Dkt. 1.

While the Court recognizes that petitioner’s funds may not be great, it is not unreasonable to expect petitioner to pay the minimal filing fee required to proceed with this action (\$5.00) given the fact that his basic needs are provided for while he is detained. Accordingly, the Court recommends that petitioner’s application to proceed IFP, Dkt. 1, be

1 DENIED, and that petitioner be directed to pay the \$5.00 filing fee to proceed with this action.

2 A proposed Order accompanies this Report and Recommendation.

3 Objections to this Report and Recommendation, if any, should be filed with the Clerk
4 and served upon all parties to this suit by no later than **March 7, 2016**. Failure to file
5 objections within the specified time may affect your right to appeal. Objections should be
6 noted for consideration on the District Judge's motion calendar for the third Friday after they
7 are filed. Responses to objections may be filed within **fourteen (14)** days after service of
8 objections. If no timely objections are filed, the matter will be ready for consideration by the
9 District Judge on **March 11, 2016**.

10 This Report and Recommendation is not an appealable order. Thus, a notice of appeal
11 seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the
12 assigned District Judge acts on this Report and Recommendation.

13 DATED this 22nd day of February, 2016.

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15 JAMES P. DONOHUE
16 Chief United States Magistrate Judge
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